

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO

CHARLES J. THURSTON, and)	
THERESE A. THURSTON,)	
)	
Plaintiffs/Counterclaim Defendants,)	
)	
v.)	Civil No. C-1-02-363
)	
UNITED STATES OF AMERICA,)	HON. TIMOTHY S. HOGAN
)	
Defendant/Counterclaim Plaintiff.)	

JOINT MOTION TO ADJOURN FINAL PRETRIAL CONFERENCE AND TRIAL
AND BRIEF IN SUPPORT THEREOF

The parties, by their undersigned counsel, hereby request that the Court adjourn the final pretrial conference, which is currently scheduled for September 3, 2004, and the trial, which is currently scheduled for October 4, 2004, to a date and time to be determined by the Court. As grounds for this motion, the parties set forth the following facts:

1. This is a civil tax action in which plaintiffs seek a refund of amounts claimed on their amended tax return for tax years 1993 and 1994. The refunds were generated from alleged business expenses associated with plaintiffs' five (5) Schedule C businesses. The IRS disallowed the deductions after an audit of plaintiffs' amended returns for those years. Plaintiffs assert that the disallowance by the IRS was without basis in law or fact. The United States has also filed an answer and counterclaim in which it seeks the amount which it alleges was erroneously refunded to plaintiffs by the IRS for tax year 1995.

2. The parties request an adjournment of the final pretrial conference and trial of this matter because counsel for the United States will be getting married overseas in September, and will be out of the country for most of the month. Although counsel for the United States will return several days prior to the currently scheduled date of trial, given the number of witnesses, anticipated length of trial (approximately four days), and the complicated facts of this case which will require the parties to be in regular contact during preparation for trial, it is in the best interest of all involved to adjourn the final pretrial conference and trial. The parties are aware that the Court may not be able to reschedule the trial until early next year.
3. This is the first request for an adjournment of the trial and it is anticipated that no further adjournments will be sought.
4. A proposed order allowing the Court to either grant or deny this motion is being submitted concurrently to chambers via electronic mail.

Respectfully submitted,

FOR UNITED STATES:

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/s/ Michael W. Davis
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing has this 25th day of August, 2004, been made upon the following by depositing a true copy thereof in the United States mail, postage prepaid, addressed to: Charley Hess, Esquire, 7211 Sawmill Road, Suite 200, Dublin, Ohio 43016.

/s/ Michael W. Davis